

Originally proposed regulatory language is shown in single underline text.
Originally proposed regulatory language which is now proposed to be deleted is shown in ~~strikeout/underline~~ text.

New proposed language is shown in double underline text.

Subsection (i)(3) of Section 149.1 is added to read:

149.1 Market Squid Fishery Restricted Access Program.

(i) Permit, Transfer and Upgrade Fees.

(3) The department shall charge a non-refundable fee of one thousand five hundred dollars (\$1,500) for each Market Squid Brail Permit Upgrade based on provisions defined in subsection (q).

Subsection (q) of Section 149.1 is added to read:

149.1 Market Squid Fishery Restricted Access Program.

(q) Market Squid Brail Permit Upgrade. Purchase of a Transferable Market Squid Brail Permit by a permittee who holds a Transferable Market Squid Light Boat Permit may occur with surrender of ~~(one-three) additional~~ the Transferable Market Squid Light Boat ~~Permits~~ Permit.

(1) An application for upgrade to a Market Squid Brail Permit shall be submitted to the department by the market squid light boat permittee in the form of a notarized letter, and shall include a copy of the ~~[permit] or [permits]~~ permit which ~~are~~ is being sought for surrender, current proof of vessel ownership, and gross tonnage information as described in subsection (n).

~~(2) Any market squid permit holder intending to transfer a permit shall submit a notarized letter to the department setting forth the conditions of the transfer, and shall specify that the terms of the transfer as documented by the vessel owner seeking the upgrade are valid and true.~~

~~(3)~~ (2) Upon determining that the applicant is qualified to upgrade the permit, payment of all fees, and surrender to the department of the original ~~permits~~ permit, the department shall issue the replacement permit that is valid for the remainder of the fishing season. Gross tonnage endorsement provisions defined in subsection (n) above shall apply.

~~(4) At the time the permit upgrade is complete, vessels previously authorized to fish under conditions of a surrendered permit shall not take or attract squid for commercial purposes unless otherwise authorized in regulation or statute.~~

Subsection (r) of Section 149.1 is added to read:

149.1 Market Squid Fishery Restricted Access Program.

(r) Market Squid Brail Permit Upgrade Appeals. Any applicant who is denied upgrade of a Transferable Market Squid Light Boat Permit to a Transferable Market Squid Brail Permit may appeal the denial to the department in writing

describing the basis for the appeal. The appeal shall be received or, if mailed, postmarked within 60 days of the date of the department's denial. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's written decision.

NOTE:

Authority: Sections 7071, 7078, 7923, 8026, 8425, 8428 and 8429.5, Fish and Game Code. Reference: Sections 7050, 7071, 7701, 7708, 7923, 8026, 8081, 8425, 8428, 8429.5 and 8429.7, Fish and Game Code.